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EXAMINER				
FIELDS, BENJAMIN S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/668,409

**Applicant(s)**

ROLF, DEVON A.

**Examiner**

BENJAMIN S. FIELDS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44 and 46-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44 and 46-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850/8)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 16 September 2009; 9 September 2009

## **DETAILED ACTION**

### ***Introduction***

1. The following is a **FINAL** Office Action in response to the communication received on 8 September 2009. Claims 44 and 46-59 are now pending in this application.

### ***Response to Amendments***

2. The Examiner removes the originally asserted 35 U.S.C. 112 Rejection of Claims 5-9 in view of the Applicant's cancellation of Claims 5-9.

3. The Examiner removes the reliance on Official Notice in the previous Non-Final Office Action (mail date: 11 August 2009) in view of the Applicant's cancellation of Claims 1-43.

4. Applicant's Amendments to Claims 1-43 has been acknowledged in that: **Claims 1-43 and 45 have been newly cancelled; Claim 44 has been newly amended; Claims 46-59 have been newly added;** hence, as such, **Claims 44 and 46-59 are pending in this application.**

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 44 and 46-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansmann et al. (US PG Pub. No. 2001/0016835), [hereinafter Hansmann] in view of Hultgren (US Pat. No. 6,868,391), [hereinafter Hultgren] further in view of Rowe (US PG Pub. No. 2003/0139999), [hereinafter Rowe].

Referring to Claim 44: Hansmann shows a computer implemented method for facilitating a value exchange, said method comprising: providing to an account holder a first account, wherein said first account is associated with a mobile wireless or media service provider and is used in a mobile wireless communications device for making a purchase transaction (Hansmann: Abstract; Page 1, Paragraph 0008; Page 2, Paragraph 0018); receiving information indicative of said first account that was transmitted by said mobile wireless communications device during said purchase transaction, wherein said receiving information indicative of said first account that was transmitted by said mobile wireless communications device during said purchase transaction is performed by at least one electronic processor; authorizing said purchase transaction, wherein said authorizing said purchase transaction is performed by at least one electronic processor (Hansmann: Page 1, Paragraph 0008; Page 2, Paragraph 0020).

Hansmann, however, does not expressly show associating a second account of the account holder with said first account, wherein said second account is a bank deposit, debit or credit account of the account holder; determining a relationship between a monetary value associated with said purchase transaction and a threshold amount, wherein said determining the relationship between said monetary value

associated with said purchase transaction and said threshold amount is performed with at least one electronic processor: settling said purchase transaction with said first account when said monetary value associated with said purchase transaction is less than said threshold amount, wherein said settling said purchase transaction with said first account when said monetary value associated with said purchase transaction is less than said threshold amount is performed with at least one electronic processor; and causing said purchase transaction to be settled with said second account when said monetary amount of said purchase transaction is greater than said threshold amount, wherein said causing said purchase transaction to be settled with said second account when said monetary amount of said purchase transaction is greater than said threshold is performed with at least one electronic processor.

Hultgren, in a similar environment, shows associating a second account of the account holder with said first account, wherein said second account is a bank deposit, debit or credit account of the account holder (Hultgren: Abstract; Column 1, Line 65-Column 2, Line 3).

Hansmann in combination with Hultgren, however, does not expressly teach determining a relationship between a monetary value associated with said purchase transaction and a threshold amount, wherein said determining the relationship between said monetary value associated with said purchase transaction and said threshold amount is performed with at least one electronic processor: settling said purchase transaction with said first account when said monetary value associated with said purchase transaction is less than said threshold amount, wherein said settling said

purchase transaction with said first account when said monetary value associated with said purchase transaction is less than said threshold amount is performed with at least one electronic processor; and causing said purchase transaction to be settled with said second account when said monetary amount of said purchase transaction is greater than said threshold amount, wherein said causing said purchase transaction to be settled with said second account when said monetary amount of said purchase transaction is greater than said threshold is performed with at least one electronic processor.

Rowe, in a similar environment, discusses determining a relationship between a monetary value associated with said purchase transaction and a threshold amount, wherein said determining the relationship between said monetary value associated with said purchase transaction and said threshold amount is performed with at least one electronic processor: settling said purchase transaction with said first account when said monetary value associated with said purchase transaction is less than said threshold amount, wherein said settling said purchase transaction with said first account when said monetary value associated with said purchase transaction is less than said threshold amount is performed with at least one electronic processor (Rowe: Abstract; Figure 1; Page 1, Paragraph 0008-Page 2, Paragraph 0024); and causing said purchase transaction to be settled with said second account when said monetary amount of said purchase transaction is greater than said threshold amount, wherein said causing said purchase transaction to be settled with said second account when said monetary amount of said purchase transaction is greater than said threshold is

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performed with at least one electronic processor (Rowe: Abstract; Figures 1-2; Page 1, Paragraph 0008-Page 2, Paragraph 0024; Page 3, Paragraph 0032-Page 4, Paragraph 0056).

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the system of Hansmann for a method of payment by means of an electronic communication device with the features of Hultgren for a tele/datacommunications payment method and apparatus including Rowe for a method and apparatus for facilitating monetary and commercial transactions for the purpose of allowing a user the ability to utilize mobile equipment in order to provide a unique, efficient and secure method and system for the payment in electronically transacted purchasing actions which can be universally employed, while additionally not being limited to the use of a personal computer and still yielding predictable results (Hansmann: Page 1, Paragraph 0007).

Referring to Claim 46: Hansmann teaches a method further comprising providing a payment guarantee concerning said purchase transaction wherein, when said purchase transaction is made with said first account, said guarantee being made at least in part by a mobile wireless service provider associated with the first account (Hansmann: Abstract; Page 1, Paragraphs 0003-0008; Page 2, Paragraph 0018).

Referring to Claim 47: Hansmann in view of Hultgren further in view of Rowe discusses the limitations of Claim 44.

Hansmann, however, does not expressly show a method wherein said providing a payment guarantee concerning said purchase transaction further comprises, when

said purchase transaction is made with said second account, said guarantee being made at least in part by a provider of banking services.

Hultgren, in a similar environment, discloses a method wherein said providing a payment guarantee concerning said purchase transaction further comprises, when said purchase transaction is made with said second account, said guarantee being made at least in part by a provider of banking services (Hultgren: Abstract, Lines 5-11; Column 1, Line 65-Column 2, Line 3).

Referring to Claim 48: Hansmann shows a method further comprising providing a payment guarantee concerning said purchase transaction wherein, when said purchase transaction is made with said first account, said guarantee is made at least in part by a provider of media services associated with the first account (Hansmann: Abstract; Page 1, Paragraph 0003-Page 2, Paragraph 0018).

Referring to Claim 49: Claim 49 parallels the limitations of Claim 47. As such, Claim 49 is rejected under the same basis as is Claim 47 as mentioned supra.

Referring to Claim 50: Hansmann teaches a method wherein said method further comprises providing a payment guarantee, wherein said guarantee is made at least in part by a provider of payments processing services (Hansmann: Abstract; Page 1, Paragraph 0003-Page 2, Paragraph 0018).

Referring to Claim 51: Hansmann shows a method wherein said providing to an account holder a first account comprises providing to the account holder a first account that is associated with a mobile wireless voice and data communication service (Hansmann: Abstract; Page 1, Paragraph 0003-Page 2, Paragraph 0018; Claims 1-3).



Referring to Claim 52: Hansmann discloses a method wherein said providing to an account holder a first account comprises providing to the account holder a first account that is associated with a media service (Hansmann: Abstract; Page 1, Paragraph 0003-Page 2, Paragraph 0020).

Referring to Claim 53: Hansmann in view of Hultgren further in view of Rowe discusses the limitations of Claim 44.

Hansmann, however, does not expressly show a method wherein said associating a second account of the accountholder with the first account comprises receiving information regarding said second account based upon input on a user interface on the mobile wireless communications device.

Hultgren, in a similar environment, discloses a method wherein said associating a second account of the accountholder with the first account comprises receiving information regarding said second account based upon input on a user interface on the mobile wireless communications device (Hultgren: Abstract; Figures 1-4; Column 3, Lines 45-54; Claims 1-5).

Referring to Claim 54: Hansmann in view of Hultgren further in view of Rowe discusses the limitations of Claim 44.

Hansmann, however, does not expressly show a method further comprising maintaining said second account as a default second account until it is changed by the accountholder.

Hultgren, in a similar environment, discloses a method further comprising maintaining said second account as a default second account until it is changed by the accountholder (Hultgren: Abstract; Column 1, Line 65-Column 2, Line 3).

Referring to Claim 55: Hansmann in view of Hultgren further in view of Rowe discusses the limitations of Claim 44.

Hansmann in combination with Hultgren, however, does not expressly show a method further comprising digitally maintaining information on a plurality of account holders, wherein each said accountholder has a corresponding first account and second account, wherein said threshold amount is the same for each accountholder.

Rowe, in a similar environment, discloses a method further comprising digitally maintaining information on a plurality of account holders, wherein each said accountholder has a corresponding first account and second account, wherein said threshold amount is the same for each accountholder (Rowe: Abstract; Figures 1-2; Page 1, Paragraph 0008-Page 2, Paragraph 0024; Claims 1-3).

Referring to Claim 56: Claim 56 reflects the limitations of Claim 55. As such, Claim 56 is rejected under the same basis as is Claim 55 as mentioned supra.

Referring to Claim 57: Claim 57 parallels the limitations of Claim 44. As such, Claim 57 is rejected under the same basis as is Claim 44 as mentioned supra.

Referring to Claim 58: Claim 58 reflects the limitations of Claim 44. As such, Claim 58 is rejected under the same basis as is Claim 44 as mentioned supra.

Referring to Claim 59: Claim 59 parallels the limitations of Claim 44. As such, Claim 59 is rejected under the same basis as is Claim 44 as mentioned supra.

***Response to Arguments***

7. The Applicant's arguments filed 8 September 2009 have been fully considered and have been found to be **moot** in view of the **new grounds of rejection**.

***Conclusion***

8. Applicant's amendment necessitated the new grounds of rejection presented herein. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached **MONDAY THRU FRI between the hours of 9AM and 7PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can

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be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

15 December 2009

/Nga B. Nguyen/

Primary Examiner, Art Unit 3684